

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ALLERGAN, INC.

Plaintiff,

vs.

SANDOZ INC., *et al.*,

Defendants.

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Civil Action No. 6:11-cv-441

Consolidated Action

**STIPULATION OF DISMISSAL WITHOUT PREJUDICE OF
PLAINTIFF'S COUNTS III AND IV WITH RESPECT TO U.S. PATENT NO. 5,688,819**

Plaintiff Allergan, Inc. and Defendants Watson Laboratories, Inc. ("Watson Laboratories"), Watson Pharmaceuticals, Inc. ("Watson Pharmaceuticals"), and Watson Pharma, Inc. ("Watson Pharma") (collectively, "Watson Defendants") by counsel, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), hereby stipulate to the dismissal, without prejudice, of Plaintiff's Counts III and IV with respect to U.S. Patent No. 5,688,819 in Case No. 6:12-cv-197 as follows:

WHEREAS, Watson Laboratories certified in connection with ANDA No. 203748 under 21 U.S.C. § 355(j)(2)(A)(vii)(III) and 21 C.F.R. 314.94(a)(12)(i)(A)(3) that the sale of any product made under ANDA No. 203748 will not begin until after the expiration date of U.S. Patent No. 5,688,819 ("the '819 patent");

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the parties to Case No. 6:12-cv-197, that

(1) Counts III and IV of the Complaint for Patent Infringement of the '819 patent (Docket No. 1, Case No. 6:12-cv-197) are hereby dismissed without prejudice pursuant to

Fed. R. Civ. P. 41(a)(1)(A)(ii), and each party shall bear its own costs and attorneys' fees as to these Counts.

Dated: September 12, 2012

Respectfully submitted,

Bracewell & Giuliani LLP

By: /s/ John H. Barr, Jr.(by perm. Wes Hill)

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Respectfully submitted,

/s/ Wesley Hill

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served on all counsel of record via electronic delivery this the 12th day of September, 2012.

/s/ Wesley Hill
Wesley Hill